

REMARKS

Claims 1-15 are pending in this application. Claims 1 and 8 are independent. In light of the amendments and remarks contained herein, Applicant respectfully requests reconsideration and withdrawal of the outstanding rejections.

In the outstanding Official Action, the Examiner objected to the Abstract and to the specification. The Examiner further rejected claims 1-15 under 35 U.S.C. § 103(a) as being unpatentable over *Hugosson et al.* (U.S. Patent Application Publication No. 2002/0000981) in view of *Krasuski et al.* (U.S. Patent Application Publication No. 2001/0032033). Applicant respectfully traverses this rejection.

Specification

The Examiner objected to the Abstract of the Disclosure. By this Amendment, Applicant has amended the Abstract. Applicant has further amended the specification on page 3, lines 8-13. Based upon these amendments, it is respectfully requested that the outstanding objection be withdrawn.

Claim Rejections - 35 U.S.C. § 103

The Examiner rejected claims 1-15 under 35 U.S.C. § 103(a) as being unpatentable over *Hugosson et al.* in view of *Krasuski et al.* Applicant submits that *Hugosson et al.* solely qualifies as prior art under 35 U.S.C. § 102(e). It is respectfully submitted that *Hugosson et al.* and the claimed invention were commonly owned at

the time the invention was made. Based on the provisions set forth under 35 U.S.C. § 103(c), it is respectfully submitted that Hugosson et al. cannot be asserted in an obviousness rejection made under 35 U.S.C. § 103(a). As such, it is respectfully requested that the outstanding rejection be withdrawn.

Conclusion

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Catherine M. Voisinet (Reg. No. 52,327) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By  #39,491
for Michael K. Mutter, #29,680

MKM/CMV/jdm
3782-0194P

P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000

Attachment(s) : Replacement Abstract of the Disclosure